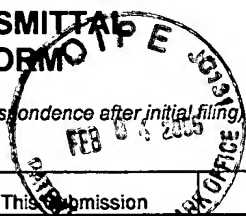
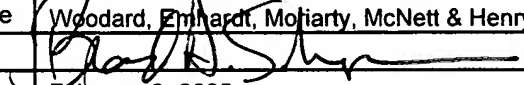
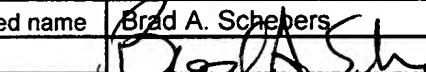


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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing) 	Application Number	10/756,970
	Filing Date	January 13, 2004
	First Named Inventor	Kevin T. Foley
	Art Unit	3731
	Examiner Name	Unassigned
	Attorney Docket Number	4002-3443/PC444.06
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
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Firm or individual name	Brad A. Schepers, Reg. No. 45,431 Woodard, Emhardt, Moriarty, McNett & Henry LLP
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Date	February 2, 2005

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Patent Application:  
Kevin T. Foley

Serial No. 10/756,970

Filed January 13, 2004

SURGICAL INSTRUMENTATION  
AND METHOD FOR TREATMENT  
OF THE SPINE



Before the Examiner  
(Not Assigned)

Group Art Unit 3731

Our Ref.: 4002-3443/PC444.06

February 2, 2005

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Dear Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56, Applicants wish to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Citation form. Copies of the U.S. patents and/or U.S. patent application publications listed in this IDS form are not being provided herewith since the requirements for submitting such documents under 37 CFR 1.98 (a)(2)(i) have been waived with regard to applications filed or nationalized subsequent to June 30, 2003. Copies of foreign references and non-patent references are provided when applicable.

Information Disclosure Statement  
SURGICAL INSTRUMENTATION AND METHOD  
FOR TREATMENT OF THE SPINE  
Filed January 13, 2004  
Inventor: Kevin T. Foley  
Page 1 of 2

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This Statement is being submitted under 37 CFR 1.97(b) before the occurrence of one or more of the following: (a) receipt of a First Office Action on the merits, (b) passage of three (3) months from the application filing date, or passage of three (3) months from the date entry of the national stage. Accordingly, it is believed that no fee is due. However, should any fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By: 

Brad A. Schepers

Reg. No. 45,431

Woodard, Emhardt, Moriarty,

McNett & Henry LLP

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				Application Number	10/756,970
				Filing Date	January 13, 2004
				First Named Inventor	Kevin T. Foley
				Group Art Unit	3731
				Examiner Name	Unassigned
Sheet	2	of	6	Attorney Docket Number	4002-3443/PC444.06

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		6,200,320	03-13-2001	Michelson	
		6,224,604	05-01-2001	Suddaby	
		6,235,043	05-22-2001	Reiley et al.	
		6,241,734	06-05-2001	Scribner et al.	
		6,248,110	06-19-2001	Reiley et al.	
		6,280,456	08-28-2001	Scribner et al.	
		6,379,364	04-30-2002	Brace et al.	
		6,383,188	05-07-2002	Kuslich et al.	
		6,395,007	05-28-2002	Bhatnagar et al.	
		6,423,083	07-23-2002	Reiley et al.	
		6,440,138	08-27-2002	Reiley et al.	
		6,468,279	10-22-2002	Reo	
		6,485,456	11-26-2002	Kletschka	
		6,530,933	03-11-2003	Yeung et al.	
		6,575,919	06-10-2003	Reiley et al.	
		6,575,978	06-10-2003	Peterson et al.	
		6,582,439	06-24-2003	Sproul	
		6,582,446	06-24-2003	Marchosky	

[illegible]

Examiner Signature		Date Considered	
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet

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*Complete if Known*

Application Number	10/756,970
Filing Date	January 13, 2004
First Named Inventor	Kevin T. Foley
Group Art Unit	3731
Examiner Name	Unassigned
Attorney Docket Number	4002-3443/PC444.06

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		6,599,291	07-29-2003	Foley et al.	
		6,607,544	08-19-2003	Boucher et al.	
		6,613,018	09-02-2003	Bagga et al.	
		6,623,505	09-23-2003	Scribner et al.	
		6,626,905	09-30-2003	Schmiel et al.	
		6,641,587	11-04-2003	Scribner et al.	
		6,663,647	12-16-2003	Reiley et al.	
		6,676,665	01-13-2004	Foley et al.	
		6,679,886	01-20-2004	Weikel et al.	
		6,682,535	01-27-2004	Hoogland	
		6,716,216	04-06-2004	Boucher et al.	
		6,719,761	04-13-2004	Reiley et al.	
		6,719,773	04-13-2004	Boucher et al.	
		6,726,691	04-27-2004	Osorio et al.	
		6,730,095	05-04-2004	Olson, Jr. et al.	
		6,746,451	06-08-2004	Middleton et al.	
		US 2001-0034526	10-25-2001	Kuslich et al.	
		US 2001-0034527	10-25-2001	Scribner et al.	

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
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**INFORMATION DISCLOSURE  
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Application Number	10/756,970
Filing Date	January 13, 2004
First Named Inventor	Kevin T. Foley
Group Art Unit	3731
Examiner Name	Unassigned
Attorney Docket Number	4002-3443/PC444.06

**U.S. PATENT DOCUMENTS**

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		US 2002-0010471	01-24-2002	Wironen et al.	
		US 2002-0013600	01-31-2002	Scribner et al.	
		US 2002-0020431	02-21-2002	Chou	
		US 2002-0022856	02-21-2002	Johnson et al.	
		US 2002-0026197	02-28-2002	Foley et al.	
		US 2002-0068939	06-06-2002	Levy et al.	
		US 2002-0082605	06-27-2002	Reiley et al.	
		US 2002-0099385	07-25-2002	Ralph et al.	
		US 2002-0120240	08-29-2002	Bagga et al.	
		US 2002-0156483	10-24-2002	Voellmicke et al.	
		US 2002-0161373	10-31-2002	Osorio et al.	
		US 2002-0173796	11-21-2002	Cragg	
		US 2002-0173813	11-21-2002	Peterson et al.	
		US 2002-0188299	12-12-2002	Reiley et al.	
		US 2002-0188300	12-12-2002	Arramon et al.	
		US 2003-0004530	01-02-2003	Reo	
		US 2003-0032963	02-13-2003	Reiss et al.	
		US 2003-0036763	02-20-2003	Bhatnagar et al.	

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			Application Number	10/756,970	
			Filing Date	January 13, 2004	
			First Named Inventor	Kevin T. Foley	
			Group Art Unit	3731	
			Examiner Name	Unassigned	
Sheet	6	of	6	Attorney Docket Number	4002-3443/PC444.06

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T <sup>2</sup>
		WALTER DICK, Internal Fixation of Thoracic and Lumbar Spine Fractures, 1943, Hans Huber Publishers, 130 pages	
		H.G. EDELAND, Open Reduction of Central Compression Fractures of the Tibial Plateau, Preliminary Report of a New Method and Device Arrangement, Department of Orthopaedic Surgery, Central Hospital, Molndal, Sweden, 1976, Acta orthop. scand. 47, 686-689	
		N. ZEMLYAK, The Method of Endoprosthetic Replacement of the Coxofemoral Joint, Description of Invention (Supplement to the Certificate of Authorship), 04/12/1983, SU 1148610A, U.S.S.R. State Committee on Inventions and Discoveries, 5 pages	
		H. DANIAUX, Transpedicular Repositioning and Spongiosaplasty in Fractures of Vertebral Bodies of the Lower Thoracic and Lumbar Spine (German), 1986, Unfallchirurg (Trauma Surgeon), University Clinic for Traumatologic Surgery, Innsbruck, 89:197-213, 17 pages	
		H. DANIAUX, Transpedicular Repositioning and Spongiosaplasty in Fractures of Vertebral Bodies of the Lower Thoracic and Lumbar Spine (English), 1986, Unfallchirurg (Trauma Surgeon), University Clinic for Traumatologic Surgery, Innsbruck, 89:197-213, 14 pages	
		NIKOLAUS NICOLA M.D. and EVALDO LINS M.D., Vertebral Hemangioma: Retrograde Embolization - Stabilization with Methyl Methacrylate, Department of Neurosurgery and Neuroradiology, University of Dusseldorf, Federal Republic of Germany, 1987, Elsevier Science Publishing Co., Inc., 27:481-6, 6 pages	
		P. GALIBERT, H. DERAMOND, P. ROSAT, D. LE GARS, Preliminary Note on Treatment of Spinal Angiomas by Percutaneous Acrylic Vertebroplasty (French and English), 1987, Masson, Paris, Neurosurgery Dept., Regional University Hospital Center, PO Box 3006, 80030 Amiens Cedex, France, 33:166-168, 5 pages	
		C. LAPRAS, C. MOTTOLESE, R. DERUTY, CH. LAPRAS JR., J. REMOND, J. DUQUESNEL, Percutaneous Injection of Methylmetacrylate in the Treatment of Severe Vertebral Osteoporosis and Osteolysis (P. Galibert Technique), 1989, Annales De Pediatrie, Paris Cedex, France, 43, 5, 371-376, 11 pages	
		P. GALIBERT, H. DERAMOND, Percutaneous Acrylic Vertebroplasty as Treatment for Spinal Angiomas and Painful, Debilitating Spinal Conditions, 1990, Masson, Paris, 116, p. 326-335, 18 pages	
		DR. MATTHIAS RICHTER-TURTUR, Instrument for Treatment of Vertebral Fracture, 02/07/1991, DE 39 22 044 A1, 9 pages	
		H. DERAMOND, P. GALIBERT, C. DEPRIESTER-DEBUSSCHE, Percutaneous Intraosseous Injections in Palliative Treatment of Bone Metastases, Amiens University Hospital Center, Place Victor-Pauchet, 80054 Amiens Cedex 1, France, p. 36-40, 9 pages	
		YVES BASCOULERGUE MD, J. DUQUESNEL MD, R. LECLERCQ MD, C. MOTTOLESE MD, C. LAPRAS MD, Percutaneous Injection of Methyl Methacrylate in the Vertebral Body for the Treatment of Various Diseases: Percutaneous Vertebroplasty, 1205, 1 page	

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